

Chapter 85: SALTWATER FISHING REGISTRY

85.01 Definitions

A. Except as modified, the definitions contained in 12 M.R.S §6001 shall apply to this Chapter, in addition to the following:

- (1) "Contact Information" for the Department of Marine Resources, unless otherwise noted, means the Department of Marine Resources (DMR), License Division, State House Station 21, Augusta, Maine 04333-0021; telephone: (207) 624-6550; fax: (207) 624-6024.

85.02 Saltwater Registry Agents

A. Selection of Agents

The Commissioner may limit and prioritize the selection of agents based on the proximity of the applicant to coastal waters and degree of direct involvement by the applicant with the saltwater recreational fishing industry. The basic eligibility criteria for agents are:

- (1) Each agent applicant must have the capability to register individuals and issue Striped Bass Endorsements through an Internet connection to a centralized database, using a computer and printer at the agent location.
- (2) All agent applicants must submit an agent application form and the agent agreement form to the Department by a deadline to be announced by the Department. The initial application deadline may be extended at the discretion of the Department.
- (3) Each agent applicant must demonstrate creditworthiness by authorizing the Department to perform credit checks with any credit organization, and must provide such assistance and any other supplemental information deemed necessary by the Commissioner for this purpose.

B. Operation Standards for Agents

- (1) Upon selection, all new agents must complete training as required in the agent agreement form.
- (2) All agents must ensure that all saltwater registrants and striped bass endorsement customers will be serviced in a timely, helpful, courteous manner by the agent's employees, and that all employees authorized to conduct registrations and issue striped bass endorsements are properly trained to complete sales transactions according to the Department requirements.
- (3) All agents must accept the responsibility for compliance with all pertinent laws, regulations, Department policies, performance standards, and reporting and payment requirements regarding the sale or issuance of endorsements and registrations.
- (4) All agents must agree to the terms and conditions specified in the Subscription Service Agreement with the Maine Information Network or successor.
- (5) Agent agreements are not transferable or assignable to another person, location, business, or corporation.

C. Agent Reporting and Payment Requirements

- (1) Department of Marine Resources Saltwater Registry agents will be billed on a monthly basis for sales completed during the previous month. Billing will be based on sales processed by the agent and recorded through the Saltwater Registry website. The website hosting company (InforME or successor) will act as the invoicing and collection agent for the Department. Agents are required to settle their accounts within 30 days or pay late fees as described in the

Subscription Service agreement. The manner of payment to the DMR collection agent will be determined within the Subscription Service agreement.

- (2) Agents not providing payment within a period of time described in the Subscription Service Agreement will be considered delinquent. Also, payments received that are rejected by the account holding bank will cause the agent to be considered delinquent. All agents must be responsible for payment of bank charges and costs to process a returned check and any other special fees or charges incurred by the Department due to the agent's activities.
- (3) Submitting payment in full as invoiced by the collection agent indicates agreement on the detail of sales performed during the invoice period. Disputes about sales amounts will be resolved by the Department, the collection agent, and the agent, with the Commissioner having final determination. The agent has the burden of proof as to the disputed amounts.
- (4) Agents are not required to submit periodic reports but they are required to monitor their sales account through the administrative features of the website on a regular basis. Agent activity reports will be generated from the website by the Department.

#### D. Agent Agreement Periods and Termination of Agent Services

Each agent must enter into an agreement with the Department on a form prescribed by the Department. The location where sales of licenses and registrations are allowed shall be stated in the Agreement. Agent agreements will be terminated in any of the following events:

- (1) The agent no longer wishes to act as a sales agent at the designated sales location.
- (2) The agent sells or leases the business to another party or otherwise attempts to transfer or assign the agreement.
- (3) The Commissioner terminates the agency agreement because of one of the following:
  - (a) Failure to comply with pertinent laws, rules, policies, or performance standards as determined by the Commissioner;
  - (b) Delinquencies or failure by the agent in making payments, or otherwise complying with the terms of this rule or the agent agreement, as determined by the Commissioner;
  - (c) Changing conditions, circumstances, or legal requirements as determined by the Commissioner;
  - (d) Low volume of sales by the agent as determined by the Commissioner.

When the Commissioner determines that an agency agreement will be terminated, the Commissioner will notify the agent in writing.

Upon termination of the agreement for any reason, the agent must return all materials, records and supplies provided as part of the agent sales program, and shall any pay remaining balance owed to the website hosting company.

#### 85.03 Registry Exemptions

The exemptions for New Hampshire Licensed Fishermen and Persons with Disabilities, as provided by Title 12 MRS §6312(3) are further defined as follows:

##### A. New Hampshire Licensed Fishermen

A person that possesses a valid New Hampshire saltwater recreational fishing license that meets the requirements of 50 Code of Federal Regulations, Sections 600.1415 and 600.1416 (2009) engaging in recreational saltwater fishing within Maine's territorial waters northerly of the Maine

and New Hampshire Border to a line drawn from the active light house on Cape Neddick to navigational aid Whistle 'R 22A' is exempt from the registry requirements of [12 M.R.S. §6312](#).

#### B. Persons with Disabilities

Persons with the following disabilities are exempted from the registry requirement if they apply for and are granted a waiver from the Commissioner. If a waiver is granted, it remains valid for the life of the license holder, provided that the individual's eligibility to obtain a license from the Department has not been revoked or suspended.

When applying for a waiver, the applicant must provide sufficient evidence of the disability, as described below.

##### (1) Individuals who are blind

The application for a waiver must be accompanied by a letter from a licensed, physician, optometrist or ophthalmologist certifying that the applicant is permanently blind. "Blind" means having visual acuity for a distance vision of 20/200 if the widest diameter of field of vision subtends to an angle no greater than 20 degrees.

##### (2) Paraplegics

The application for a waiver must be accompanied by a letter from a licensed physician certifying that the individual has lost, or who has permanently lost the use of, both lower extremities.

##### (3) Individuals who have an acquired brain injury

The application for a waiver must be accompanied by a letter from a licensed physician certifying that the individual has a head injury as defined by Title 22, §3086.

##### (4) Individuals who have a mental handicap

The application for a waiver must be accompanied by a letter from a licensed physician or psychologist certifying that the individual has mental retardation, as defined in Title 34-B, §5001, subsection 3.

##### (5) Disabled veterans

The application for a waiver must be accompanied by a letter from the Veterans Administration certifying that the individual

(a) has a service-connected disability evaluated at 100%, or

(b) has a service-connected disability evaluated at 70% or more, who has served in a combat zone during any armed conflict in which participants were exposed to war risk hazards.

#### 85.04 Striped Bass Endorsement

A Striped bass endorsement issued in accordance with [12 M.R.S. §6312](#) is required for registrants who land or possess striped bass. This includes any incidental catch or bycatch of striped bass as well as the landing of striped bass for the purposes of a "catch and release" fishery. The landing or possession of striped bass for any amount of time shall be considered prima facie evidence of the need to possess a striped bass endorsement by an individual required to be registered.

# **Basis Statement**

## Chapter 85 Saltwater Fishing Registry

These regulations were proposed in accordance with [12 M.R.S. §6312](#) and are applicable to the establishment and requirements of agents acting on behalf of the Commissioner to register individuals who wish to engage in saltwater recreational fishing, and to issue Striped Bass Endorsements.

These regulations finalize the new saltwater fishing registry to establish rules for persons to become registry agents to register individuals who wish to engage in saltwater recreational fishing; plus describe additional details for those individuals who would be exempt from registration; and establish the striped bass fishing endorsement required of persons who recreationally fish striped bass in saltwater.

A copy of the new statute is available online at:

<http://www.mainelegislature.org/legis/statutes/12/title12sec6312.html>

## **Summary of Comments**

### Chapter 85 Saltwater Fishing Registry

Public hearings were held November 15 and 16, 2010 in Rockland and Yarmouth respectively. The summarized comments and Department's responses are followed by the individual summarized comments.

#### Hearing attendees, Rockland

Doug Jowett, Brunswick  
George Warren, Edgecomb  
David Allen, Washington  
Barry Gibson, E. Boothbay  
Rep. Jon McKane, District 51  
Sen. Chris Rector, Thomaston, District 22  
Pete Ripley, E. Boothbay  
Bill Spencer, Boothbay Harbor  
Jeff Bellmore, Warren  
DMR: Dep. Comm. David Etnier, Deirdre Gilbert, Pat Keliher, L. Churchill

#### Hearing attendees, Yarmouth

Forrest Faulkingham, Alna, Maine Association of Charterboat Captains  
Andrew Mazzitelli, North Berwick  
Don Kleiner, Union  
Doug Jowett, Brunswick  
Steve Heinz, Cumberland Foreside, angler  
David Huntress, (Stantec), angler  
Mac McKeever, (LL Bean), angler  
Dana Eastman, town?  
Mike Jannvil [sp?], town?  
Jerry Rideout, town?  
Matt Boutet, [sp?], town?  
Don Russell, town?  
Duncan Barnes, town?, angler  
DMR: Dep. Comm. David Etnier, Deirdre Gilbert, Pat Keliher, L. Churchill

#### Written comments

Doug Jowett, Brunswick  
David Hedrick, Waterville  
Maine Association of Charterboat Captains, Capt. Dave Pecci, Fisheries Committee Chair  
Larry Grimard, Jefferson  
Coastal Conservation Association, Maine Board of Directors, Mac McKeever – Maine Pres.

### **Summarized comments/questions and responses:**

1. Will there be a final document that has everything in it?

*Response:*

*This is a good idea for a plain English summary in one document. The Department has applied for grant money from NOAA that would allow us to provide the appropriate handouts. Also see web site online: <http://www.maine.gov/dmr/recreational/registry/index.htm>*

2. Is it recommended that out of state tourists purchase an out of state striped bass endorsement for \$15 before going salt water fishing in Maine waters?

If you are a Maine resident who is a recreational salt water fisherman would [it] be wise to register and obtain the free striped bass endorsement for Maine resident in order to be on the safe side?

*Response:*

*Yes. If you're going on a party or charter boat you don't have to register, or obtain the endorsement. But if you are required to register, it would be advisable to obtain the endorsement as a resident or non-resident to be safe. Maine residents with a valid Maine fresh water fishing license are exempted from registering, and therefore do not need to purchase the striped bass endorsement. If you are a Maine resident and do not purchase an IF&W license for fresh water fishing but wish to fish in the coastal waters of the state and may catch a striped bass, you would need to obtain the striped bass endorsement, which costs \$5. Non-residents are not exempted from obtaining a striped bass endorsement, even if they are purchasing a Maine freshwater fishing license.*

3. Chapter 85.03(A) - Exemptions - Reciprocity: We are opposed as written, we request a modification. MACC requests that the New Hampshire / Maine reciprocity boundary be: The 43° 15' latitude line, or if for ease of comprehension; from the southern tip of Ogunquit Beach due east and out to 3 miles offshore.

*Response:*

*The use of Cape Neddick as a point of reference is in the new statute. The regulations take that point and draw a line for enforcement purposes out to R '22A' by Boon Island Ledge. To change the Cape Neddick reciprocity point one would need to amend the statute itself.*

4. Fees:

How may the holder of an existing, valid "lifetime" freshwater license, exempted by this statute from obtaining a recreational saltwater fishing endorsement through DMR, record with DIFW his intent to fish in saltwater? How will the holder of a lifetime DIFW license which is not required to be renewed in 2011 record his/her intent to fish for saltwater species in order to be incorporated in the registry? This seems unfair and not to be the legislative intent when purchasers of an annual freshwater license are exempt from a saltwater endorsement fee.

*Response:*

*Because you hold a lifetime Maine resident freshwater fishing license, you will not need to pay the \$5.00 for a striped bass endorsement, or pay the one-time fee of \$10 for individuals 70 years of age or older. The exemption in the statute for freshwater license holders was based on the expectation that the Maine Department of Inland Fisheries and Wildlife (IFW) would provide the information regarding which of their license holders also engage in saltwater fishing to the Department of Marine Resources (DMR) on an annual basis, so that Maine would be in compliance with the federal requirements. Because IFW lifetime license holders do not have to contact that department annually, lifetime license holders will instead indicate their intent to participate in saltwater recreational fishing directly to DMR. This will be a service provided through the online registration system, which will be up and running in January 2011. The DMR's online system will be able to check your license status within MOSES. In addition,*

individuals will be able to register directly with DMR Licensing Division (207-624-6550) at their Hallowell office.

5. The exemption section is missing the exemption for freshwater license holders who indicate through a check off box whether they have gone saltwater fishing in the preceding year.

*Response:*

*Section 85.03 is not meant to replicate the exemptions provided by the statute – it is meant to provide further detail regarding those exemptions where it is needed. For example, the New Hampshire exemption specifies the line that Marine Patrol will use for enforcement. The disability exemptions provide the standards by which the disability will be evaluated. It was determined that the exemption for residents who hold valid Maine freshwater fishing licenses did not require further detail in order to be implemented. This exemption will be clearly indicated on the DMR registry website and also referenced in outreach materials that are presently being generated. The law is sufficient, and that is why it does not appear in the rule.*

6. The rule (85.04) is not clear that residents who hold a valid Maine freshwater fishing license do not need to obtain the striped bass endorsement.

*Response:*

*The proposed rule specifies that the striped bass endorsement is required for **registrants** who land or possess striped bass. Because individuals who hold a valid Maine freshwater fishing license are exempted from registering (see §6312), they are not registrants. The proposed rule is appropriately drafted to reflect that only individuals who are required to register will need to obtain the striped bass endorsement, should they intend to fish for or catch striped bass.*

#### **Individual summarized comments and questions:**

### **Chapter 85**

#### **Barry Gibson**

Please explain the main points that differ from the new statutes.

Dep. Comm. Etnier: This is mostly about the selection of registry agents and defining persons with disability. We borrowed largely from Dept. of Inland Fisheries and Wildlife for how to administer agents and their definitions for disabilities and amended their rules to suit this purpose. The language for disabilities is nearly verbatim to their regulations for consistency.

B. Gibson: Will the whole license, in the statutes, the regulations, all the parts and pieces, making sure it can be done and doesn't conflict, and is clear with definitions, fishing for striped bass etc., [be summarized and made available]?

Pat Keliher: That has all been done. This is the results of all the internal meetings. The component on striped bass is the last paragraph in the regulations.

B. Gibson: So this is the sum of all the clarifications, massaging of language and whatever from the original bill this is what you've done with this?

D. Etnier: In essence this is as the law allows at the end which says the Commissioner may adopt rules to carry out the purpose of this section meaning the entire law. This is what is before you tonight. There will undoubtedly be changes to these rules over time, more or less rules as time evolves. This is our best effort for rules needed to administer and enforce that law based on our understanding of its intent.

Following up on your question to Pat, we have mailed in the formal request for an exemption from NMFS to Make Maine an exempted State for the purpose of the federal registry, which starts next year. There is an MOA we have to enter in to with them for that purpose. We've sent them a cover letter and a draft MOA whether our data collection needs meets their needs and we haven't received confirmation of that yet. That is the next step in the process, is for Maine to become an exempted state.

B. Gibson: Will there be a final document that has everything in it?

LC: The proposed rule would be the new regulations chapter...

B. Gibson: No, with all the changes made will there be a document available of the entire measures in the bill, all the things from A to Z, not just the changes but the whole thing so we can say here's the salt water license with all the language, the law, etc.

D. Etnier: That is a good idea and I think we can homogenize the statute, which is a stand alone documents and now the regulations that add to the statute; homogenize that in a plain English summary [of what it all means in one document].

B. Gibson: Have it online.

L. Churchill: There is one online;

Pat Keliher: We've also applied for grant money through ASMFC that we're hoping to get so we will be able to do handouts and things like that, a modified law book, with all the fishing laws and regs as well as the license regs.

Rep. McKane: FYI There will be a bill to repeal the whole thing or at least to modify it substantially. The exemption letter, I asked for as did Rep. Tilton, Rep. Kerry and Rep. Weaver to be cc'd on any letters asking for exemptions from the, as an exempted state. I'm a little disappointed that this has already been sent out and we never heard anything about it. I just want that to be on the record. I would like to know why we weren't contacted as we sent a letter specifically to be notified when this exemption letter was sent and we wanted to be copied on it. I just want to know why that didn't happen.

On the Ch 85.04 Striped bass endorsement, the endorsement is required to possess striped bass. This is incidental catch or by-catch? In other words if I'm fishing for mackerel and I happen to catch, even though I release the striped bass immediately I have broken the law, is that correct?

D. Etnier: Yes

Rep. McKane: I certainly couldn't go along with that. Where else does something like that occur? If I accidentally catch an Atlantic salmon then I release it then I haven't broken the law have I?

D. Etnier: I'm unsure of the laws on Atlantic salmon.

G. Bellmore: Depends on where it is. Some places you would be in violation if you touched the fish.

Rep. McKane: Say I'm in Muscongus Bay and fishing for mackerel and I catch an Atlantic salmon and I release him; I haven't broken the law. Why should striped bass be different in that regards?

D. Etnier: Rep. McKane this is our interpretation of what is needed to meet the requirements of the federal registry and I know we've disagreed on this for a year now and you're welcome to speak in opposition to this but this is our understanding of what they are looking for on the federal side. If you're fishing in an area where striped bass are present even if you catch and release then immediately even if you take longer...

Rep. McKane: It's your interpretation that those [wording] in the Magnusson Stevens Act says if you are fishing where they are present. [illegible] ...if you are fishing where they are present so you have taken that a little bit further to say that if you actually hook one even if you release it you are in violation of the law if you don't have the endorsement.

D. Etnier: If that is your comment, that is up to you.

Rep. McKane: I'm asking you if that is you're interpretation of...

D. Etnier: Our interpretation is what is written here.

? ...you can't fish in the whole state of Maine with a J hook. [illegible]

Rep. McKane: ...you cannot be sure, basically everybody needs to get these striped bass endorsements who goes fishing in salt water in the State of Maine because to the chance of breaking the law. Is that a correct thing to say now? I'm asking you, Dep. Comm. Etnier, is that a correct thing to say? If I'm fishing anywhere in the State of Maine in salt or tidal water there is a chance I could catch a striped bass so therefore I need the endorsement.

D. Etnier: I wouldn't say that, no. I'd say if you want to be on the safe side sure; especially since it is essentially free, for a Maine resident. But if you're fishing someplace where striped bass are never known to be then I wouldn't answer yes to your question, no. As we discussed earlier generally our understanding is it would be wise to register if you're recreational salt water fisherman in Maine, it would be wise to register and obtain the free striped bass endorsement for Maine resident in order to be on the safe side. Yes.

George Warren

How do we know where striped bass are? I come from Aroostook County, as an extension I bring my Corson down, I come here to catch a mackerel, I catch a mackerel and I've broke to law. And I catch a stripper which happens a lot that you're reeling in a mackerel and a stripper hits it. The warden happens to be going by this poor guy from Aroostook County comes down here to spend his money on our coast. I'm just asking a question. Does that seem?

D. Etnier: I wanted to clarify, I misspoke a second ago. The striped bass endorsement is free for Maine residents who are also fishing in fresh water, with a fresh water Maine fishing license, there is no charge for the striped bass endorsement. If you are solely fishing, as a Maine resident in the marine, coastal

waters you would need to pay \$5 for the striped bass endorsement if you do not also purchase an IF&W license for fresh water fishing.

Barry Gibson

One clarification for the record because I do a lot of work with tourism, etc., would it be the recommendation of the DMR for people from out of state that come to Maine that may fish off the docks or piers or boats or kayaks, is it the recommendation, since you said it is wise but not mandated, it is your recommendation that out of state tourists who come here purchase an out of state striped bass endorsement for \$15 before going salt water fishing in our waters?

D. Etnier: I would think that would be a safe recommendation, yes. Obviously if you're going on a party or charter boat you don't have to but as an individual you it would be my recommendation that you should, yes.

Forrest Faulkingham

Representing the Maine Association of Charterboat Captains (MACC)

85.02 - Agents: We are neither for nor against

85.03A - Exemptions -Reciprocity: We are opposed as written, we request a modification. MACC requests that the New Hampshire / Maine reciprocity boundary be: The 43° 15' latitude line, or if for ease of comprehension; from the southern tip of Ogunquit Beach due east and out to 3 miles offshore.

D. Etnier: Regarding the reciprocity, we're trying to better understand the reason for the desire for the change in the definition of reciprocity.

F. Faulkingham: I think this was from the members in the southern part of the state that requested this... This was in statute.

D. Etnier: Yes, the law refers to Cape Neddick and that is one point on the mainland...but we had to draw a line offshore somewhere so we choose the whistle as a clear line for enforcement purposes and for everybody's understanding

Andrew Mazzitelli: It's a slap in the face to New Hampshire. They allow you to use their total coast line and you only give them that much. That's a sister state that gives us primary fishing in their Pisquataqua for schooling fish. They could say no and cause hard feelings here. I agree with the charter boat folks, move it up to Ogunquit and be fair. I understand that you passed the law but you are really causing hardship between states. It will cost quite a bit. I hate to see friction there. [No official comment.]

? Where is the [pricing on the licenses? Answer: The license fees are listed in the statute and are not repeated in the proposed regulations.

D. Etnier: To clarify what we can do here tonight, the law specifies Cape Neddick. [In this rulemaking process, this hearing] we cannot change this; it may only be changed by the legislature. What we are doing tonight is drawing a line from Cape Neddick to offshore. If you wanted it to be Ogunquit or wherever it needs to be changed in the statutes, which takes a legislative action, we can't do that in this rulemaking. Just to be clear we can't change that point on the main law in the statute in this rulemaking.

#### Written comments:

Captain Doug Jowett

I approve of the proposed rules as noted below for the November 15 & 16, 2010 Public Hearings.

1. Chapter 85 Saltwater Fishing Registry
2. Chapter 42 Striped Bass
3. Chapter 43 Bluefish
4. Chapter 34.10 Groundfish, Amendment 16 compliance updates

**Capt. David Pecci**

**The Maine Association of Charterboat Captains  
Fisheries Committee Chair**

The Maine Association of Charterboat Captains (MACC) represents more than 65% of the Maine for-hire fleet. A recent membership survey reveals that the drastic reduction of striped bass in Maine waters over the past three years has had an increasingly negative economic impact. Anglers are choosing to fish in other places, or not fish at all. There has been a 25-35% reduction in tourism-based angling clientele. Captains who cater to destination anglers (anglers who travel to Maine specifically to fish) find



their businesses have fallen off 50% or more. Many captains have been reduced to part-time operations and some have been forced to take on supplemental employment to survive.

The general fishing public's catch and release mortality will most likely drop due to these new regulations. However, Maine DMR will see negligible benefits from MACC members and their clientele. We are protecting our marine resources without these additional restrictions.

Specific Comments Approved by the MACC Board of Directors:

85.02 - Agents: [Neither for nor against] - MACC will defer to the tackle shops and town halls on this proposed regulation. We would like to stress our concerns regarding ease of registering for the fishing public. Anglers while fishing on charter and guide boats are covered by a for-hire boat license. But, many of our clients also fish from their own boats and from shore. Any impediments to this licensing process will hurt Maine's overall angling tourism industry.

85.03A - Exemptions -Reciprocity: [Opposed as written - request modification] MACC requests that the New Hampshire / Maine reciprocity boundary be: The 43°/15' latitude line, or if for ease of comprehension; from the southern tip of Ogunquit Beach due east and out to 3 miles offshore.

David R. Hedrick

I hold a valid lifetime Maine Freshwater Fishing License and am not yet 70 years old. I am not required to renew this license annually, having paid the prescribed fee initially.

12 MRS Sec 6312, 3G states: "A person who has indicated on a valid freshwater fishing license issued under Part 13 that the person engaged in saltwater recreational fishing during the prior year or plans to engage in saltwater recreational fishing during the period covered by the freshwater fishing license is not required to register under this subsection, and residents of the State who make that indication are not required to obtain a striped bass endorsement under subsection 4. The Department of Inland Fisheries and Wildlife shall provide registry data to the federal or state agency responsible for monitoring saltwater recreational fishing at a time and manner as determined by that agency."

How may the holder of an existing, valid "lifetime" freshwater license, exempted by this statute from obtaining a recreational saltwater fishing endorsement through DMR, record with DIFW his intent to fish in saltwater?

Have arrangements been made with DIFW so that MOSES will have provision for recording this intent on an existing license?

In short, how will the holder of a lifetime DIFW license which is not required to be renewed in 2011 record his/her intent to fish for saltwater species in order to be incorporated in the registry?

As I read the statute and DMR proposed rules on the saltwater registry, I will have to pay to DMR, or its agent, \$5 per year for a saltwater endorsement on my lifetime freshwater license and then a one time \$10 fee when I turn 70. This seems unfair and not to be the legislative intent when purchasers of an annual freshwater license are exempt from a saltwater endorsement fee.

CCA-Maine Board of Directors

#### Chapter 85 – Saltwater Fishing Registry

We agree with the registry proposals and trust that DMR will make its website registry application form easy to navigate as per the suggestions agreed to at the meeting of interested parties held in Hallowell on November 22, 2010.

[Note: The meeting Nov. 22<sup>nd</sup>: DMR sought the advice of individuals familiar with recreational angling in Maine to provide input on the draft of the online service developed by InforME. Specifically, DMR was seeking ideas that would make the website as clear and user friendly as possible. This input was captured and provided to InforME for revisions where possible.]

Larry Grimard, Jefferson

#### CHAPTER 85 SALTWATER REGISTRY

1. Conspicuously absent from the exemptions section (85.03) of the proposed rule is the exemption specifically called out in 12 MSR 6312 for those who 'check the box' on their fresh water license. The wording in the statute is as follows:

*"A person who has indicated on a valid freshwater fishing license issued under Part 13 that the person engaged in saltwater recreational fishing during the prior year or plans to engage in saltwater recreational fishing during the period covered by the freshwater fishing license is not required to register under this subsection, and residents of the State who make that indication are not required to obtain a striped bass endorsement under subsection 4."*

This wording needs to be added to the rule and not omitted. All of the other exemptions are clearly delineated in 85.03, except this one.

## 2. 85.04 Striped Bass Endorsement

*A Striped bass endorsement issued in accordance with 12 M.R.S. §6312 is required for registrants who land or possess striped bass. This includes any incidental catch or bycatch of striped bass as well as the landing of striped bass for the purposes of a "catch and release" fishery. The landing or possession of strip bass for any amount of time shall be considered prima facie evidence of the need to possess a striped bass endorsement by an individual required to be registered.*

The language in this rule is not correct and should be removed from the rule. A striped bass endorsement is NOT required for a registrant that meets the following requirement:

"A person who has indicated on a valid freshwater fishing license issued under Part 13 that the person engaged in saltwater recreational fishing during the prior year or plans to engage in saltwater recreational fishing during the period covered by the freshwater fishing license is not required to register under this subsection, and resident of the State who make that indication are not required to obtain a striped bass endorsement under subsection 4."

Additionally, there is an error in the terminology that needs to be corrected: "The landing or possession of Strip bass.....'Strip bass' is apparently a typo.